

SIKKIM



GOVERNMENT **GAZETTE**

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok **Friday 27th September, 2019** **No. 444**

**GOVERNMENT OF SIKKIM
LAW, LEGAL, LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT
GANGTOK**

No. 21(578)LL&PAD/19/1013

Dated: 19/07/2019

NOTIFICATION

In pursuance of Notification No. 450/LLL&PAD/19 dated: 18.06.2019, the State Government is hereby pleased to prescribe the terms and conditions, remuneration, fees and other facilities to be extended to Shri Vivek Kohli, Advocate, appointed as Advocate General of Sikkim, as under, namely:-

1. He shall be paid the following set of fees, namely:-

| Sl. No. | Particulars | Admissible Fee | |
|--------------------|---|---|--|
| | | Supreme Court | High Courts/ Tribunals/Lower Courts |
| 1 | Monthly retainer fee | Rs. 60,000/- | |
| 2 | Fee for effective hearing in SLP/Writ Petition/Civil Appeal/Criminal Appeal per case per day. | Rs. 10,000/- (subject to maximum of Rs. 40,000/- per day) | Rs. 8,000/- (subject to maximum of Rs. 32,000/- per day) |
| 3 | Fee for appearance in Misc. Hearing and other non-effective hearings including fee for appearance before the Chamber Judge/ Registrar's Court per case per day. | Rs. 5000/- (subject to maximum of Rs. 20,000/- per day) | Rs. 4000/- (subject to maximum of Rs. 16,000/- per day) |
| 4 | Lump sum charges for outstation official visits, other than Delhi and Gangtok, (for accommodation, local transport etc.) | Rs. 25000/- per day plus to and fro actual air fare. | |
| 5 | Fee for drafting SLP/Writ Petition/Appeal/counter-affidavit/ rejoinder/etc. (other than misc. applications) per draft | Rs. 20,000/- | Rs. 18,000/- |
| 6 | Fee for drafting Misc. Application or response/reply to Misc. Application | Rs. 8,000/- | Rs. 6,000/- |
| 7 | Monthly establishment charges in Delhi | Rs. 40,000/- | |

2. The duties of the Advocate General shall be;
 - (a) to advise the State Government upon such legal matters as may be referred to him by the State Government;
 - (b) to represent the State Government in the Supreme Court of India;
 - (c) to represent the State Government in the High Courts and other courts/tribunals in proceedings of importance, civil or criminal, original or appellate when specifically requested to do so by the State Government;
 - (d) to assist the High Court in cases of special importance;
 - (e) to discharge the functions conferred upon him under any other law for the time being in force.
3. The Advocate General shall make himself available at Gangtok for at least three weeks in a month and also during such period when the Legislative Assembly is in session.
4. The Advocate General shall always be assisted in a case by a Government Advocate.
5. The Advocate General shall not accept private briefs which may be adverse to the interests of the State Government.
6. The Advocate General shall be provided with a free transport with 150 litres of POL/HSD per month.
7. The Advocate General shall be provided with an official furnished rent free accommodation at Gangtok.
8. The Advocate General shall be provided with telephone facility at his residence and office at par with the Heads of Department of the State Government.
9. The Advocate General shall be provided with office space and such other staff at Gangtok as the Government may provide from time to time.
10. For the cases in the Supreme Court involving the State of Sikkim, Delhi shall be the official Head Quarter of the Advocate General and for the cases before the High Court of Sikkim and connected legal matters, his Head Quarter shall be Gangtok. For the purposes of travelling between Delhi and Gangtok, he shall be entitled to travel by air (economy class).
11. His engagement can be terminated at his instance or at the instance of the state Government, as the case may be, by way of service of one month's notice from either side. The state Government shall always have the discretion to accept, decline or defer any resignation tendered by him. He shall also be liable to be discharged with immediate effect, if the State Government so desires in the public interest. However, in such case, he shall be paid an amount equivalent to the one month's retainer fee in lieu of notice.
12. If any doubt arises regarding interpretation of this Notification, the Law Department with the approval of the Minister-in-charge of the Department shall interpret and decide the matter.
13. It is a co-terminus appointment.

By order and in the name of the Governor.

**Jagat B. Rai, SSJS,
L.R-cum-Secretary,
Law, Legal, Legislative and Parliamentary Affairs Department.**